



Transportation
Security
Administration

September 3, 2019

3600.1

Case Number: 2019-TSFO-00645

Sai
MuckRock News
DEPT MR 79158
411A Highland Ave
Somerville, MA 02144-2516

Dear Sai:

The Transportation Security Administration (TSA) is in receipt of your Freedom of Information Act (FOIA) request, dated August 22, 2019 in which you requested the following records:

A. Boston Globe's reports about Quiet Skies,

1. July 28, 2018:
2. July 30, 2018:
3. Aug. 3, 2018:
4. Aug. 14, 2018:

B. the testimony of David Pekoske to Congress re Quiet Skies, at:

1. Senate Commerce, Science, & Transportation Committee - Keeping Our Skies Secure: Oversight of the Transportation Security Administration - Sept. 5, 2018
2. House Oversight & Government Reform Committee - Examining Misconduct and Retaliation at TSA - Sept. 26, 2018

C. the testimony, related to Quiet Skies and Silent Partner, of TSA FRCP 30(b)(6) representative Hao-y Tran Froemling in *El Hady v Kable*, No. 1:16-cv-375 (E.D. VA.), ECF No. 306-29, filed March 12, 2019

D. the letter requests of:

1. Sen. Markey to David Pekoske, July 30, 2018:
2. Rep. Biggs to David Pekoske, Aug. 1, 2018:
3. Rep. Lynch to Rep. Gowdy, July 30, 2018:
4. Sens. Nelson & McCaskill to David Pekoske, late Aug. 2018, referenced in Rep. Nelson's opening statement:

E. TSA documents:

1. Facts About the "Quiet Skies", Aug. 22, 2018:
2. Silent Partner and Quiet Skies, DHS/TSA/PIA-018(i), April 19, 2019
3. DHS/TSA PIA-018 revisions: -018, -018(a) through -018(b), and -018(e) through -018(i)
4. DHS/TSA PIA-018 webpage, lacking any link for revisions -018(c) and -018(d), or explanation thereof
5. DHS/TSA SORNs 001, 011, and 019
6. Quiet Skies checklist, attached to Boston Globe story
7. Quiet Skies bulletin, attached to Boston Globe story

F. The FOIA requests re Quiet Skies of:

1. CJ Ciaramella, Jul. 29, 2018, 2018-TSFO-372,
2. Jesse Yeager, Jul. 7, 2018, 2018-TSFO-375
3. Emily Crose, Aug. 1, 2018, 2018-TSFO-381,
4. David Smith, Aug. 2, 2018, 2018-TSFO-374
5. Joce Sterman, Aug. 5, 2018, 2018-TSFO-386
6. Ehid Zhou (EPIC), Aug. 7, 2018, 2018-TSFO-389,
7. Ryan Suto, Aug. 13, 2018, 2018-TSFO-401
8. Hugh Handeyside (ACLU), Aug. 20, 2018, 2018-TSFO-435,
9. Chicago One, Aug. 21, 2018, 2018-TSFO-433

G. The litigation re Quiet Skies, of:

1. el Ali v Sessions, No. 8:18-cv-2415 (D. Md.)
2. El Hady v Kable, No. 1:16-cv-375 (E.D. VA.)
3. Sai v. Pekoske, No. 15-2356 (1st Cir.)

You also requested expedited processing for part A.1.a. This letter responds to your request for expedited processing for part A.1.a. as outlined above. Your request for expedited processing for A.1.a is denied.

Under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves:

- (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;
- (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; (iii) The loss of substantial due process rights; or (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

6 C.F.R. § 5.5(e)(l). Requesters that seek expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(e)(3).

Your request for expedited processing is denied because your request does not present any of the circumstances described in 6 C.F.R. § 5.5(e)(1). In your request, you reference a motion for sanctions that is pending before the First Circuit Court of Appeals. But you fail to explain how that motion for sanctions involves an imminent threat to the life or physical safety of an individual, an urgency to inform the public about an actual or alleged federal government activity (made by a person primarily engaged in disseminating information), the loss of substantial due process rights, or a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which could affect public confidence. Your letter was conclusory in nature and did not present any facts to justify a grant of expedited processing under the applicable standards.

Should you decide to file an appeal, it should be mailed to:

Christine Griggs
FOIA Appeals Officer
Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement (CRL/OTE)
Transportation Security Administration
701 South 12th Street, West Building, TSA-33
Arlington, VA 20598-6033

Your appeal **must be submitted within 90 days** from the date of this determination. It should contain your FOIA request number and, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope should be prominently marked "FOIA Appeal." Please note that the TSA FOIA Appeals Officer's determination of the appeal will be administratively final.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5796.

Your request has been assigned reference number **2019-TSFO-00645**. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 866-364-2872.

Sincerely,



Teri M. Miller
FOIA Officer